

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CLIFFORD SHEPARD,)
)
Plaintiff,)
)
v.) CAUSE NO. 3:07-CV-193 AS
)
RAE BEELER, *et al.*,)
)
Defendant.)

REPORT AND RECOMMENDATION

On April 24, 2007, this matter was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) to conduct hearings, including evidentiary hearings, and submit proposed findings of fact and recommendations for the disposition of Plaintiff's complaint. On April 30, 2007 Defendants filed their answer to Plaintiff's complaint. On May 1, 2007 this Court ordered both parties to file a written status report by June 1, 2007, of which Defendants complied. Receiving no response from the Plaintiff, this Court issued an order to show cause on June 5, 2007, directing Plaintiff to explain why he failed to comply with this Court's order and why his case should not be dismissed for failure to prosecute his claim. As of this date, Plaintiff has still not responded failing to comply with this Court's initial order or the order to show cause, despite this Court's warning pursuant to Timms v. Frank, 953 F.2d 281, 285-86 (7th Cir. 1992) and Lewis v. Faulkner, 689 F.2d 100 (7th Cir. 1982), that failure to do so may result in a dismissal of his case.

Under Fed. R. Civ. P. 41, a plaintiff's case may be dismissed for his failure to prosecute his claim or to comply with court orders. Plaintiff has failed to comply with two court orders, and has provided no written documentation explaining his inaction. This Court can only assume

that Plaintiff has abandoned his case. Consequently, for the aforementioned reasons, this Court
RECOMMENDS that Plaintiff's case be **DISMISSED WITHOUT PREJUDICE**.

NOTICE IS HEREBY GIVEN that within ten (10) days after being served with a copy of this recommended disposition a party may serve and file specific, written objections to the proposed findings and/or recommendations. Fed.R.Civ.P. 72(b). **FAILURE TO FILE OBJECTIONS WITHIN THE SPECIFIED TIME WAIVES THE RIGHT TO APPEAL THE DISTRICT COURT'S ORDER.**

SO ORDERED.

Dated this 10th Day of July, 2007.

S/Christopher A. Nuechterlein
Christopher A. Nuechterlein
United States Magistrate Judge

cc: Shepard